

ORIGINAL

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

JUL 05 2002

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

at 2 o'clock and 10 min. P.M.
WALTER A. Y. H. CHINN, CLERK

UNITED STATES OF AMERICA)	MAG. NO. 02-0514 KSC
)	
Plaintiff,)	
)	
vs.)	APPLICATION AND AFFIDAVIT
)	FOR SEARCH WARRANT
1988 GRAY 4-DOOR SEDAN)	
HONDA ACCORD)	
HAWAII LICENSE PLATE JWA 229)	

APPLICATION AND AFFIDAVIT FOR SEARCH WARRANT

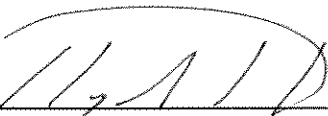
The undersigned person, after being duly sworn, deposes and says that there is reason to believe that:

On the property described in the attached Affidavit (which is hereinafter referred-to as "Affidavit" and incorporated herein by reference), in the District of Hawaii,

There is now concealed the property identified in the Affidavit, which is property that constitutes evidence of the commission of a criminal offense; contraband, the fruits of crime, or things otherwise criminally possessed; and property designed or intended for use or which is or has been used as the means of committing a criminal offense,

Concerning a violation of Title 18, United States Code, Sections 641.

The facts to support a finding of Probable Cause are set forth in the attached Affidavit.


 AFFIANT'S NAME: CHONG S. CHO
 AFFIANT'S POSITION: Special Agent
 AFFIANT'S FED. LAW ENFORCEMENT AGENCY: FBI

Sworn to before me, and
subscribed in my presence:

July 5, 2002, at Honolulu, Hawaii.


 JUDICIAL OFFICER'S SIGNATURE

SEALED
BY ORDER OF THE COURT

AFFIDAVIT

CHONG S. CHO, after being duly sworn, deposes and states as follows:

1. I am a Special Agent (SA) with the FEDERAL BUREAU OF INVESTIGATION (FBI) and have been so employed for approximately sixteen months. I am currently assigned to the Violent Crime Squad of the FBI Honolulu Division. In that capacity, I am familiar with the facts set forth in this affidavit based upon my personal knowledge and information provided to me by other law enforcement personnel and/or witnesses, as further described below.

2. This affidavit is made in support of an Application for a Search Warrant for the property/premises known as: 1988 Gray 4-door Sedan Honda Accord, Hawaii License Plate JWA 229.

3. Your Affiant was advised by Detective Samantha Kailihou, Honolulu Police Department (HPD), Waikiki Investigative Section, Burglary and Theft Detail, regarding an Unauthorized Entry into a Motor Vehicle (UEMV) incident. According to Detective Kailihou, on or about June 5, 2002, a Sandia National Laboratories employee's rental car was burglarized, and an Avalon Disk Recorder, Model AE7000, Serial Number 200, was stolen from his vehicle. The Recorder was housed in a black plastic case with an Owner's/Operating Manual, according to the victim. The Sandia National Laboratories is located in Livermore, California, and it is a subcontracting company of the Department of Energy (DOE). The Data Recorder is worth approximately \$170,000, and only 17 units were ever built in the United States. No Avalon Recorder was ever sold or purchased by anyone in the state of Hawaii, according to David Franssens, Business Development Manager, Avalon Electronics. Since the Recorder was not insured, the DOE would incur the loss of \$170,000 if the unit is not recovered.

4. On June 6, 2002, it was learned that an email was sent from JENNIFER CHUN, 1538 Kewalo Street, #301, Honolulu, Hawaii, telephone number (808)531-9087, to Avalon Electronics inquiring about pricing information on the Avalon AE7000 Disk Recorder. CHUN works at the KGMB TV station, and interviews with the station's chief engineer and CHUN's supervisor revealed that the TV station has no need for the Avalon AE7000 Disk Recorder. It was also learned that CHUN was not given any assignments to research the machine.

5. The Disk Recorder is mainly used for intelligence gathering, electronic warfare, telemetry, and similar applications. David Franssens also stated that the unit is usually purchased and operated by government agencies.

6. On July 3, 2002, JENNIFER CHUN was interviewed regarding the email she had sent to Avalon Electronics inquiring

about the price of an AE700 Disk Recorder. CHUN admitted that she is the one who had sent the email to the company and verified the personal information that was included in the email. CHUN further stated that she was asked by DOROPHY GIBSON, also known as "DUFFY," to inquire about the machine. According to CHUN, on June 6, 2002, CHUN was at her friend and neighbor, CATHERINE LEE's apartment, 1538 Kawalo Street, #206, Honolulu, Hawaii, and met GIBSON. CHUN further stated that GIBSON then showed CHUN an Owner's Manual for an Avalon AE7000 Disk Recorder and asked CHUN if she could find out more information, including price, about the machine. CHUN then went to the company's website and sent the email inquiring about the Recorder.

7. It was verified through David Franssens, Business Development Manager, Avalon Electronics, that Owner's Manuals for the company's products cannot be separately purchased or obtained without the units.

8. On July 4, 2002, CATHERINE LEE was interviewed. LEE advised that on June 6, 2002, GIBSON came into LEE's apartment and asked LEE, "I have this thing downstairs. Could you go on the internet and research it for me?" Since LEE did not know much about the internet, LEE told GIBSON to ask her neighbor, JENNIFER CHUN who was also in the apartment at the time. A few minutes later, according to LEE, GIBSON returned from her car with the Owner's Manual for an Avalon Disk Recorder and handed it to CHUN. CHUN then went to the company's website on the internet to research it. LEE further stated that she believes GIBSON still has the Recorder, because LEE knows that GIBSON is too "greedy" to get rid of it without getting paid for it. LEE also believed that the unit may still be in GIBSON's automobile. LEE added that GIBSON drives a gray/black Honda.

9. According to Detective Samantha Kailihou, who has investigated numerous crimes to include UEMV violations, in October of 2001, while executing an arrest warrant, Detective Kailihou entered GIBSON's apartment, 825 Olokele Street, Apartment #1, Honolulu, Hawaii, which was previously provided by GIBSON to the HPD as her address. While in the apartment, Detective Kailihou noticed what appeared to be items stolen during a UEMV offense. The items had other people's names on them, according to Detective Kailihou. When interviewed, GIBSON's roommate, SHARON MISAKI, advised that the items in the apartment were "DUFFY's things from her jobs at night." DUFFY was at the time and still is unemployed.

10. Detective Kailihou also advised that her previous experiences and training have shown that it is a common practice for suspects to store stolen items and other contraband, obtained unlawfully, in their vehicles and/or residences until they have the opportunity to sell them or to get rid of them.

11. GIBSON is known by members of HPD's Waikiki Crime Reduction Unit to have an extensive criminal history, to include one felony conviction for UEMV.

12. GIBSON is described as follows:


Name:	Dorophy Gibson
Aliases:	Dorothy Gibson, Dorthy Gibson Dorophy Mae Gibson, Duffy
DOB:	04/05/1965
Social:	576-96-4242
FBI#:	637193CA1
Height:	5'5"
Weight:	150
Eyes:	Brown
Hair:	Brown

13. Based on the foregoing, and on my training and experience, I believe probable cause exists that fruits, evidence, and instrumentalities of the commission of criminal offenses, namely, violations of Title 18, United States Code, Section 641 (Theft of Government Property), will be in the above-described property.

FURTHER AFFIANT SAYETH NAUGHT


CHONG S CHO
Special Agent/FBI

Subscribed and Sworn to Before Me
this 5th Day of July, 2002.


United States Magistrate Judge
District of Hawaii